

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Thomas Weir Foley**
Docket No. **295969**
L.C. No. **09-059264-FC**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because a timely filed motion for a new trial was pending when the appeal was filed. The time for filing an appeal of right in this situation would commence if an order is entered denying the motion for a new trial. MCR 7.204(A)(2)(d).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 16 2010

Date

Sandra Schultz Mengel
Chief Clerk